



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/599,708	06/22/2000	Yuko Iida	P/2041-49	7950

7590 10/24/2002
OSTROLENK FABER GERB & SOFFEN LLP
1180 AVENUE OF THE AMERICAS
NEW YORK, NY 10036-8403

EXAMINER

LEA EDMONDS, LISA S

ART UNIT PAPER NUMBER

2835

DATE MAILED: 10/24/2002 //

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No. 09/599,708	Applicant(s) IIDA, YUKO	
Examiner Lisa Lea-Edmonds	Art Unit 2835	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 August 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 June 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: |

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the device body being divided in the longitudinal direction into first and second halves must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

2. The disclosure is objected to because of the following informalities: applicant fails to identify by element numbers the first and second halves of the device body as claimed (see claim 7).

Appropriate correction is required.

Claim Objections

3. Claim 9 is objected to because of the following informalities: applicant has improperly deleted "second" in line 6 after "and" of claim 9. Applicant is asked to carefully review all of the now pending claims as there may be other words improperly deleted as well. Appropriate correction is required.

Allowable Subject Matter

4. The indicated allowability of claim 7 is withdrawn in view of the rejections below.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

6. Claims 1-6 and 8-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Sato et al.. With respect to claims 1-6 and 8-14, the apparatus of Sato et al. teaches a portable information radio terminal device **comprising** a device body or housing including a first and second casing (24, 25 respectfully); an electronic part (11, 12, 13, 14) provided in the device body or housing on a printed board (10); an elastic member or cushion (48, 50, 53) supporting the printed board (10) within the device body or housing wherein the elastic member or cushion (48, 50, 53) exerts an elastic force upon the printed board (10) when disposed between the first and second casing (24, 25 respectfully) which causes the elastic member or cushion (48, 50, 53) to be pressurized by assembling the first and second casing (24, 25 respectfully). Sato et al. also teaches, a plurality of elastic member or cushion (48, 50, 53) at only one side of the

Art Unit: 2835

printed board (10) and proximate the center of gravity of the portable device as claimed (see for example figures 1-4 and column 3 line 48 through column 9 line 36 as well as the abstract). With respect to the term "pressurized" it is to be understood that the examiner of record is using the *Merriam Webster's Collegiate Dictionary 10th ed. p.923* as "to apply pressure to".

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sato et al.. With respect to claim 7, Sato et al. teaches the invention as set forth by claim 1, however, Sato et al. lacks a clear teaching of the device body being divided in the longitudinal direction into first and second halves, and the elastic member (48, 50, 53) being provided only on one of the first and second halves where a center of gravity of the portable information radio terminal device is located as claimed. It would have been obvious to one of ordinary skill in the art at the time the invention was made to divided the device body into first and second halves to isolate the electronic part; as well as providing the elastic member (48, 50, 53) only on one of the first and second halves where a center of gravity of the portable information radio terminal device to aid in shock absorption and/or dampening of the electronic part and/or printed board.

Respons to Argum nts

9. Applicant's arguments with respect to claims 1-10 have been considered but are moot in view of the new ground(s) of rejection. However, with respect to applicant's remarks concerning Sato et al.'s neither showing nor suggesting "*an elastic member supporting said printed board within said device body*", applicant is directed to the abstract of Sato et al..

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lisa Lea-Edmonds whose telephone number is 703-305-0265. The examiner can normally be reached on 6:30 am to 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darren Schuberg can be reached on 703-308-4815. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3431 for regular communications and 703-305-3432 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-1782.

Lisa Lea-Edmonds
Examiner
Art Unit 2835

A handwritten signature in cursive script that reads "Lisa Lea-Edmonds". The signature is written in dark ink and is positioned below the typed name and title.

October 22, 2002